

How
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ARIZONA ATTORNEY GENERAL**

May 9, 1952
Op. No. 52-133

Mrs. Jewel W. Jordan
State Auditor
Capitol Building
Phoenix, Arizona

Dear Mrs. Jordan:

This will acknowledge receipt of your letter concerning the Director of Veteran Affairs. Your request was for an opinion on these questions:

1. "Will you please advise this office whether or not the Director of Veteran Affairs serves after original appointment at the pleasure of the commission, and whether or not he has a definite appointment.
2. Please advise us, also, whether or not the Board may increase the salary of the Director up to the statutory maximum of \$4800.00, if the money is available, when the original appointment was made at an annual salary of \$3000.00."

As you pointed out in your letter, the Director is appointed by the Veteran's Service Commission with the advice and consent of the Governor. Section 15-404 ACA 1939 Supplement.

Regarding your first question, Vol. 67 C.J.S. (Officers) Sec. 44, p. 196, says:

"Where the term of office is not fixed by law, the officer is regarded as holding at the will of the appointing power, even though the appointing power attempts to fix a definite term, which it may do, and an officer removable at the pleasure of the appointing power has, in the strict meaning of the word, no 'term' of office.
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It is therefore our opinion that the Director of Veteran Affairs serves at the will of the power appointing him.

Concerning the increase in salary for the Director, we are enclosing a copy of our opinion given to your office on this subject, dated July 20, 1951. The opinion holds that when the office is held at the will of the appointing power, the officer's salary may be increased during his term.

Trusting this answers your questions, we remain,

Sincerely yours,

FRED O. WILSON
Attorney General

ALFRED C. MARQUEZ
Assistant Attorney General

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